

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-15 have been rejected under 35 USC § 103(a) as being unpatentable over Rehman et al (US5,012,629) in view of Short (US5,419,245). Claim 13 has been cancelled and accordingly, claims 1-12 and 14 and 15 remain active in the present application.

Considering then the rejection of claims 1-15 under 35 USC § 103(a) as being unpatentable over Rehman in view of Short, it is submitted that applicant has amended independent claims 1 and 11, the two independent claims currently pending, so as to patentably define over this combination of references. More particularly, claim 1 has been amended to specify that the infusion pod making machine is adapted for low volume manufacture for use in the home. This must be contrasted with the teachings of Rehman et al. which, for example, at column 1 lines 18-21, 28-31, and 34-36 specifies that the device of Rehman is intended for operating at relatively high manufacturing rates in excess of the prior art which has a capacity of only about 60 packs per minute which is not sufficiently high for commercial production. In contrast, the present invention is directed to machines for individual home use at very low volumes such as 1 or 2 pods per day, a far cry from 60 filter packs per minute, which according to Rehman is insufficient.

It should be further noted that Rehman is directed to filter packs for use in automatic drip coffeemakers of the type conventionally used in the 1980s, 1990s, and up to date. The coffee filter packs produced by the apparatus in Rehman produces relatively

large coffee packs for brewing standard 5 cup volumes of brewed coffee as indicated at column 13 line 63 through column 14 line 2. As further indicated at column 14 lines 17-23, the diameter of these packs is approximately 4 to 5 inches and intended for conventional drip coffee brewing apparatus.

In contrast, the present invention is directed to single serve type pods for brewing single servings not using an automatic drip type process but rather a pressurized infusion process, such as the type used in espresso makers. Such pods are about half the diameter of the Rehman pods.

Because of the different intended uses of these pods, the resulting structures of the pods are quite different. As indicated in Rehman et al. and as shown figure 6 in Rehman et al., a head space 38 is required as specified at column 7 lines 48-55 and column 11 lines 43-49 in order to prevent the resulting filter packet from bursting during a drip type brewing cycle. Head space of 25% - 50% of the volume of the pack is required and is even specified in independent claim 1 in Rehman et al.

This structure is not required in applicant's pods which are encapsulated in a pressurized chamber during brewing and as a result, applicant's pods and pod making apparatus are significantly different. That is, a review of figure 1 in Rehman et al. indicates that there is absolutely no requirement for a bolt within the heated piston 8 and that a separate damping ring 6 is used to push the bottom ply into the bottom mold (column 13, lines 52-56). No bolt carried by the heated piston 8 is shown nor is any such bolt required in Rehman. In fact, if a bolt was added to the top mold 8 as suggested by the examiner, it would likely render Rehman et al. inoperative. That is, the top mold 8 contacts the bottom mold 2 only about a thin circular band along the interface between

the mold halves. No bolt at all is forced down into the bottom mold as is specified in applicant's independent claims. If a bolt did do this, the head space required by Rehman et al. would be eliminated and the resulting pods would burst, according to Rehman.

Considering next the combination of Short with Rehman et al., it is submitted that Short fails to rectify the deficiencies noted above insofar as Short is directed to removing liquids from tin cans and in no way is related to the manufacture of coffee pods. Moreover, if the pressing apparatus of Short was added to the top mold of Rehman et al. as suggested by the examiner, the resulting structure would be inoperative for the reason noted above. There is simply no suggestion, motivation, or any reason at all to combine a device primarily intended for use in restaurants for squeezing water out of tuna fish cans with a high volume, high production apparatus for stretching and heat sealing plastic plies so as to encapsulate coffee. It is respectfully submitted that this is just too far a stretch of the imagination for one of ordinary skill in the art.

Referring specifically to applicant's amended claim 1, neither Rehman or Short have any teaching whatsoever regarding a portable low volume compact kitchen appliance adapted for home use which includes a protruding bolt which is resiliently biased outwardly from a bolt carrier for applying a predetermined compressive force to a brewable infusible material. As indicated above, carrying out a such step of applying a compressive force to the coffee in Rehman et al. would likely eliminate the head space 38 (figure 6) and would cause the resulting pods to burst. This head space is not needed for producing single serving beverages brewed under a pressurized encapsulated environment as intended under the present invention, as opposed to the non-pressurized

generally unsupported environment found in automatic drip coffee machines of the type  
used with the coffee packs in Rehman et al.

Respectfully submitted,

SUNBEAM PRODUCTS, INC.

By: 

Lawrence J. Shurupoff

Reg. No. 30,219

2381 Executive Center Drive

Boca Raton, FL 33431

Tel. No. (561) 912-5185

Fax No. (561) 912-4182